गोपनीय

फौजदारी आरोपाखाली दोषी ठरलेल्या सरकारी कर्मचाऱ्यांच्या बाबतीत करावयाची कार्यवाही

महाराष्ट्र शासन

सामान्य प्रशासन विभाग

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परिपत्रक

फौजदारी आरोपाखाली दोषी ठरलेल्या शासकीय कर्मचाऱ्यांविरुद्ध करावयाच्या कार्यवाहीबाबतची मार्गदर्शक तत्त्वे विहित करण्याचा प्रश्न शासनाच्या विचाराधीन होता. शासन आता असे निदेश देत आहे की, फौजदारी आरोपाखाली दोषी ठरलेल्या कर्मचाऱ्यांच्या प्रकरणात कार्यवाही करताना खालील तत्त्वे अनुसरण्यात यावीत :—

(१) जो गुन्हा घडल्यावर शासकीय सेवेमध्ये राहू देणे सकृद्दर्शनी अनिष्ट ठरलेल्या गुन्ह्याबद्दल शासकीय कर्मचारी न्यायालयात दोषी ठरला तर त्यानें अपील करण्याची मुदत संपेपर्यंत अथवा अपील केले असेल तर पहिल्या अपील कोर्टातील निर्णयाची वाट न पाहता त्याच्या बडतर्फीची, सेवेतून काढून टाकण्याची किंवा सक्तीनें सेवा निवृत्ती करण्याची कार्यवाही करण्यात यावी. (अशा आदेशाचा प्रमाणित नमुना क्र. १ सोबत जोडला आहे.)

(२) वरील उप-परिच्छेद (१) मध्ये नमूद केलेल्या गुन्ह्यासारख्या गुन्ह्यासाठी कर्मचारी दोषी ठरला नसेल तर शिस्तभंगविषयक प्राधिकाऱ्याने समुचित ठरेल अशी इतर कोणतीही शिक्षा देण्याचे ठरवावे. (प्रमाण नमुना क्र. १ मध्ये आवश्यक ते बदल करून तो नमुना असे आदेश निर्गमित करण्यासाठी वापरावा.)

ज्या प्रकरणांत फौजदारी आरोपांखाली दोष सिद्ध झाला आहे अशा प्रकरणांत संविधानाच्या अनुच्छेद ३११(२) च्या दुसऱ्या परंतुकाच्या पोट-कलम (अ) खाली अथवा महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ च्या नियम १३(१) मधील अशाच तरतुदींखाली वरील (१) किंवा (२) मध्ये नमूद केल्याप्रमाणे कार्यवाही करता येईल. या तरतुदींच्या व्याप्तीचे स्पष्टीकरण, तुलसीराम पटेल आणि इतर विरुद्ध केंद्र शासन (अेआयआर १९८५ एससी-१४१६) आणि सत्यवीर सिंग आणि इतर विरुद्ध केंद्र शासन (१९८५ ४ एससीसी-२५२) या प्रकरणांतील सर्वोच्च न्यायालयाच्या न्यायनिर्णयाच्या अनुषंगाने खाली करण्यात आले आहे :—

संविधानाच्या अनुच्छेद ३११(२) च्या दुसऱ्या परंतुकाच्या पोट-नियम (अ) खाली अथवा महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ च्या नियम १३(१) खाली कार्यवाही करताना शिस्तभंग-विषयक प्राधिकाऱ्याला संबंधित शासकीय कर्मचारी फौजदारी आरोपाखाली दोषी ठरला आहे या बाबतची माहिती असणे हे प्रथम आवश्यक आहे. मात्र केवळ ही माहिती असणे पुरेसे नाही तर फौजदारी आरोपाखाली शासकीय कर्मचारी दोषी सिद्ध झाला हे माहित झाल्यावर ज्या वर्तणुकीमुळे तो दोषी ठरला ती वर्तणूक खरोखरच शिक्षेस पात्र आहे काय, याचा त्याने विचार केला पाहिजे व तसे जर असेल तर नेमकी कोणती शिक्षा लादावी हेही ठरविले पाहिजे. याकरिता फौजदारी न्यायालयाच्या न्यायनिर्णयाचे परीक्षण करून संबंधित प्रकरणाची संपूर्ण वस्तुस्थिती त्याने विचारात घेतली पाहिजे. असा विचार करताना शिस्तभंग-विषयक प्राधिकाऱ्याने अपचारी कर्मचाऱ्याची आतापर्यंतची वर्तणूक कशी आहे, त्याच्या गैरवर्तणुकीचे गांभीर्य, त्या गैरवर्तणुकीचे प्रशासनावर होऊ शकणारे एकंदर परिणाम, त्या गैरवर्तणुकीची तीव्रता कमी करणाऱ्या गोष्टी, या बाबी विचारात घेतल्या पाहिजेत. हे सर्व शिस्तभंगविषयक प्राधिकाऱ्याने स्वत:च केले पाहिजे. शासकीय कर्मचाऱ्याची वर्तणूक दोषार्ह आणि शिक्षेस पात्र होती या निष्कर्षाप्रत एकदा शिस्तभंगविषयक प्राधिकारी आला की, मग त्याने शासकीय कर्मचाऱ्यावर कोणती शिक्षा लादावी हे ठरविलेच पाहिजे. हेही शिस्तभंगविषयक प्राधिकाऱ्याने स्वत:च केले पाहिजे. तथापि, हे तत्त्व ध्यानात ठेवले पाहिजे की, शासकीय कर्मचाऱ्यावर लादण्यात आलेली शिक्षा वाजवीपेक्षा कडक नसावी किंवा घडलेल्या गुन्ह्याच्या मानाने फार जास्त नसावी, तर प्रकरणाच्या परिस्थितीचा आणि वस्तुस्थितीचा विचार करता योग्य असावी. तुळशीराम पटेल आणि इतर विरुद्ध केंद्र शासन (एआयआर-१९८५, एससी-१४१६ मधील परिच्छेद ११४ आणि १२२) यांच्या प्रकरणात स्पष्ट केल्याप्रमाणे, वर नमूद केलेल्या तरतुदींच्या अनुरोधाने शासकीय कर्मचाऱ्यांवर शिक्षा लादण्यापूर्वी कोणतीही चौकशी करणे अथवा त्याला कारणे दाखवा नोटीस पाठविणे आवश्यक नाही.

असे आदेश काढण्यापूर्वी महाराष्ट्र लोकसेवा आयोगाचा सल्ला घेणे जरूर असेल तर तो घेण्यात यावा.

२. (अ) दोषी ठरल्यानंतर त्या विरुद्ध शासकीय कर्मचाऱ्याने उच्चतर न्यायालयात केलेल्या अपीलामध्ये अथवा रिव्हीजन अर्जामध्ये तो निर्दोष सुटला तर दोषी ठरल्यामुळे शिक्षा लादण्याचे जे आदेश काढले ते रद्द करावे लागतील कारण दोष रहात नाही म्हणून संबंधित प्रकरणातील उच्चतर न्यायालयाच्या न्यायनिर्णयाची प्रत तात्काळ मिळवावी आणि खालील बाबी ठरविण्याच्या दृष्टीने न्यायनिर्णयाचे परीक्षण करावे :—

(एक) अधिक उच्चतर न्यायालयात अशा दोषमुक्ततेला आव्हान द्यावे काय,

किंवा

(दोन) (अ) त्याची दोषमुक्ती लक्षात घेऊनही ज्या दोषारोपांखाली शासकीय कर्मचारी आधी दोषी ठरला होता त्या दोषारोपांवर त्याच्या विरुद्ध विभागीय चौकशी करणे आवश्यक आहे अशी वस्तुस्थिती व परिस्थिती आहे काय,

(ब) जर ही बाब उच्चतर न्यायालयात नेण्याचे ठरले तर मुळीच कालापव्यय न करता उचित कार्यवाही तात्काळ सुरू करण्यात यावी आणि अशी कार्यवाही चालू असेपर्यंत लादलेली शिक्षा रद्द करण्यात येऊ नये.

(क) मात्र विभागीय चौकशी करण्याचे ठरले तर पुढीलप्रमाणे अंतिम आदेश काढावेत :—

(एक) दोष सिद्धीच्या आधारावर लादण्यात आलेली शिक्षा रद्द करण्यात यावी, व

(दोन) विभागीय चौकशी आदेशित करण्यात यावी. (अशा आदेशांसाठी प्रमाण नमुना क्र. २ सोबत जोडला आहे.)

ज्या प्रकरणांत दोष सिद्धीच्या आधारावर बडतर्फी, सेवेतून काढून टाकणे अथवा सक्तीची सेवानिवृत्ती अशा शिक्षा लादण्यात आल्या असतील त्या प्रकरणांमध्ये महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ मधील नियम, ४(४) च्या तरतुदींप्रमाणे शासकीय कर्मचारी त्याच्या बडतर्फीच्या, सेवेतून काढून टाकण्याच्या किंवा सक्तीने सेवानिवृत्त करण्याच्या दिनांकापासून निलंबनाधीन असल्याचे मानण्यात येईल असेही आदेशांमध्ये स्पष्ट करण्यात यावे.

३. वरील परिच्छेद २(अ) (दोन) मध्ये असलेल्या "ज्या दोषारोपांखाली शासकीय कर्मचारी आधी दोषी ठरला होता त्या दोषारोपांवर" ह्या शब्दांची व्याप्ती आणि अभिप्रेत अर्थ याचे योग्य आकलन होण्यासाठी असा एक मुद्दा लक्षात ठेवला पाहिजे की, दंडनीय गुन्हा तसेच दंडनीय गुन्हा होत नसलेली परंतु महाराष्ट्र नागरी सेवा (शिस्त व अपील) नियम, १९७९ किंवा तत्सम नियमांच्या तरतुदींखाली शिक्षेस पात्र असलेली गैरवर्तणूक ठरण्यासाठी वस्तुस्थिती व दोषारोप यांचा एकच संच पुरेसा आहे.

जर सक्षम न्यायालयाकरवी एखाद्या प्रकरणामधील वस्तुस्थितीची किंवा अभिकथनांची चौकशी होऊन न्यायालयाने दोषारोप खरे नाहीत असा निष्कर्ष काढला तर त्याच वस्तुस्थितीच्या किंवा दोषारोपांच्या आधारे विभागीय चौकशी घेता येणार नाही. उलटपक्षी जर न्यायालयाने अभिकथनांच्या खरेपणाविषयी केवळ संशय जरी व्यक्त केला असेल तरी अशा प्रकरणी कोर्टापुढे पूर्वी सादर केलेल्या पुराव्यापेक्षा किंवा त्यावेळी उपलब्ध असलेल्या पुराव्यापेक्षा अधिक चांगला पुरावा पुढे येत असेल, तर त्याच अभिकथनांच्या आधारावर विभागीय चौकशी घेण्यास हरकत असू नये. तसेच जर न्यायालयाने असा निष्कर्ष काढला की दोषारोप सिद्ध झाले आहेत, पण ज्या फौजदारी गुन्ह्याचा आरोप आहे तो फौजदारी गुन्हा झालेला नाही, तर अशाप्रकारे सिद्ध झालेले आरोप विभागीय/शिस्तभंगविषयक कार्यवाहीसाठी पुरेसे कारण वाटत असतील तर त्या आरोपांच्या आधारे विभागीय चौकशी करण्यात आक्षेप असू नये. तसेच, जो आरोप अगदी फौजदारी खटल्यातील आरोप नाही किंवा त्यासदृश नाही व फौजदारी न्यायालयाने खोडून काढलेल्या कोणत्याही अभिकथनावर आधारित नाही अशा आरोपाच्या बाबतीत, दोष मुक्तीनंतरही विभागीय चौकशी घेणे अनुज्ञेय आहे. त्याचप्रमाणे ज्या अभिकथनांची न्यायालयाने अद्याप चौकशी केली नसेल, परंतु विभागीय/शिस्तभंगविषयक कारवाईसाठी ती सबळ व पुरेशी वाटत असतील तर तशी कारवाई करण्यास आडकाठी नाही.

४. ज्या प्रकरणांमध्ये परिच्छेद २ मधील उप-परिच्छेद (अ) आणि उप-परिच्छेद (क) मधील कोणतीही कार्यवाही करायची नसेल त्या प्रकरणांत शिक्षा लादण्याचे पूर्वीचे आदेश रद्द करण्याचे रितसर आदेश काढण्यात यावेत. (अशा आदेशांसाठी प्रमाण नमुना क्र. ३ सोबत जोडला आहे.) ज्या प्रकरणांत बडतर्फीची, सेवेतून काढून टाकण्याची किंवा सक्तीच्या सेवानिवृत्तीची शिक्षा लादण्यात आली असेल, त्या प्रकरणांमध्ये शासकीय कर्मचाऱ्याला ज्या तारखेपासून दोषमुक्त ठरविण्यात आले त्या तारखेपासून त्याला सेवेत पुन्हा रुजू झाल्याच्या तारखेपर्यंतचे पूर्ण वेतन व भत्ते द्यावे लागतील व तो कालावधी सर्व प्रयोजनांसाठी "सेवा" म्हणून मानावा लागेल. निलंबनाच्या/सेवेतून काढून टाकण्याच्या/बडतर्फ करण्याच्या दिनांकापासून दोषमुक्तीच्या दिनांकापर्यंतचे वेतन व भत्ते महाराष्ट्र नागरी सेवा (पदग्रहण अवधी, स्वीयेतर सेवा आणि निलंबन, बडतर्फी व सेवेतून काढून टाकणे यांच्या काळातील प्रदाने) नियम, १९८१ च्या नियम ७० अनुसार सक्षम प्राधिकारी आदेशित करील त्याप्रमाणे देण्यात येतील व प्रस्तुत कालावधी "सेवा", किंवा "सेवेतील व्यतीत न केलेला कालावधी" म्हणून प्रकरणपरत्वे वरील नियमांप्रमाणे ठरविण्यात येईल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

ग. ग. [illegible],
उप-सचिव, महाराष्ट्र शासन.

प्रति,

राज्यपालांचे सचिव,
मुख्य मंत्र्यांचे सचिव,
विशेष अधिकारी, विभागीय चौकशा, कोकण विभाग, मुंबई,
विशेष अधिकारी, विभागीय चौकशा, नाशिक आणि पुणे विभाग, पुणे,
विशेष अधिकारी, विभागीय चौकशा, नागपूर, अमरावती व औरंगाबाद विभाग, नागपूर,
विशेष अधिकारी, विभागीय चौकशा, औरंगाबाद,
मंत्रालयाच्या सर्व विभागांखालील इतर सर्व विभाग प्रमुख व कार्यालय प्रमुख,
सामान्य प्रशासन विभाग/का.क्र. ८, १९, २०, २१, २२, २८, २८-अ, ३१ व ३४,
सर्व मंत्रालयीन विभाग.

CONFIDENTIAL

Action to be taken in cases where Government servants are convicted in a criminal charge.

GOVERNMENT OF MAHARASHTRA

General Administration Department,

No. CDR-1082/3362/69/XI,

Mantralaya, Bombay, dated 12th June 1986

CIRCULAR

Government has had under consideration the question of laying down guidelines for taking action against Government servants convicted in criminal charges. Government is now pleased to direct that the following principles should apply in regard to action to be taken in cases where Government servants are convicted in criminal charges :—

(i) In a case where a Government servant has been convicted in a court of law of an offence which is such as to render further retention in public service of the Government servant *prima facie* undesirable, action to dismiss, remove or retire him compulsorily from service should be taken without waiting for the period of filing an appeal or, if an appeal has been filed, without waiting for the decision in the first court of appeal. (Standard Form No. I for such an order is annexed).

(ii) In a case where the conviction is not for an offence of the type referred to in sub-para (i) above, the disciplinary authority should decide on imposing such other penalty, as might be deemed appropriate. (Standard Form No. I annexed to this Circular may be suitably modified for passing such an order).

In cases of conviction on a criminal charge, action as at (i) or (ii) above can be taken under clause (a) of the second proviso to Art. 311(2) of the Constitution or the similar provision contained in Rule 13(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The scope of these provisions is explained below in the light of the judgement of the Supreme Court in the cases of Tulsiram Patel and others *v.* Union of India (AIR 1985 SC 1416) and Satyavir Singh and others *v.* Union of India (1985 4 SCC 252) :—

When action is taken under clause (a) of the second proviso to Article 311(2) of the Constitution or Rule 13(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, the first prerequisite is that the disciplinary authority should be aware that a Government servant has been convicted on a criminal charge. But this awareness alone will not suffice. Having come to know of the conviction of a Government servant on a criminal charge, the disciplinary authority must consider whether his conduct, which had led to his conviction, was such as warrants the imposition of a penalty and, if so, what that penalty should be. For that purpose, it will have to peruse the judgement of the Criminal Court and consider all the facts and circumstances of the case. In considering the matter, the disciplinary authority will have to take into account the entire conduct of the delinquent employee, the gravity of the misconduct committed by him, the impact which his misconduct is likely to have on the administration and other extenuating circumstances or redeeming features. This, however, has to be done by the disciplinary authority by itself. Once the disciplinary authority reaches the conclusion that the Government servant's conduct was blameworthy and punishable, it must decide upon the penalty that should be imposed on the Government servant. This, too has to be done by the disciplinary authority by itself. The principle, however, to be kept in mind is that the penalty imposed upon the Civil servant should not be grossly excessive or out of all proportion to the offence committed or one not warranted by the facts and circumstances of the case. As clearly laid down in the case of Tulsiram Patel and others *v.* Union of India (AIR 1985 SC 1416, at paras. 114 and 122), it is not necessary to hold any enquiry or issue any show cause notice to the Government servant before imposing the penalty on him in pursuance of the aforesaid provisions.

Before such order is passed the Maharashtra Public Service Commission should be consulted, where such consultation is necessary.

2. (a) If an appeal/revision filed by the Government servant in a higher court against his conviction succeeds and he is acquitted, the order imposing a penalty on him on the basis of conviction, which no longer stands, becomes liable to be set aside. A copy of the judgement of the higher court should, therefore, be immediately procured and examined with a view to deciding :—

(i) Whether the acquittal should be challenged in a still higher court ; or

(ii) Whether, despite the acquittal, the facts and the circumstances of the case are such as to call for a departmental enquiry against the Government servant on the basis of the allegations on which he was previously convicted.

(b) If it is decided to take the matter to a still higher court, action to institute proper proceedings should be taken with the least possible delay and the penalty imposed should not be set aside during the pendency of such proceedings.

(c) If, on the other hand, it is decided that a departmental enquiry may be held, a final order should be made—

(i) Setting aside the order imposing the penalty on the basis of the conviction ; and ;

(ii) Ordering such departmental enquiry (Standard Form No. II for such an order is annexed.)

In cases where the penalty imposed on the basis of the conviction was dismissal, removal or compulsory retirement from service, the order should also state that under rule 4(4) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, the Government servant is deemed to be under suspension with effect from the date of dismissal, removal or compulsory retirement from service.

3. For appreciating properly the scope and implications of the words "*on the basis of the allegations on which he was previously convicted*", occuring in para. 2 (a) (ii) above, the point to be taken note of is that one identical set of facts and allegations may be sufficient to constitute a criminal offence as well as misconduct not amounting to a criminal offence, but punishable under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 or similar other rules.

If the facts or allegations had come to be examined by a court of competent jurisdiction and the court has given a finding that the allegations are not true, then it is not premissible to hold a departmental enquiry in respect of a charge based on the same facts or allegations. If, on the other hand, the court had merely expressed a doubt as to the correctness of the allegations, then there may be no objection to hold a departmental enquiry on the same allegations if better proof than what was produced before the court or what was then available is forthcoming. Then again if the court has held that the allegations are proved but do not constitute the criminal offence with which the Government servant is charged, then also there would be no objection to hold a departmental enquiry on the basis of the said allegations, if such proved allegations are considered good and sufficient ground for departmental/disciplinary action. So also, it is permissible to hold a departmental enquiry after the acquittal, in respect of a charge which is not identical with or similar to the charge in the criminal case, and is not based on any allegations which have been negatived by the criminal court. Furthermore, if the allegations had not yet been examined by a court of law but are considered good and sufficient grounds for departmental/disciplinary action, there is no bar to taking such action.

4. In cases where neither of the courses mentioned in sub-para. (a) and sub-para. (c) of para. 2 is followed, a formal order should be issued setting aside the previous order imposing the penalty (Standard Form No. III for such order is annexed). In such cases, where the penalty imposed was dismissal, removal or compulsory retirement from service, full pay and allowances will be paid from the date of acquittal to the date of rejoining duty and the period counted as duty for all purposes, whereas for the period from the date of suspension/removal/dismissal to the date of acquittal, pay and allowances will be allowed as directed by the competent authority under Rule, 70 of the Maharashtra Civil Services (Joining Time, Foreign Service and payments during Suspension, Dismissal and Removal) Rules, 1981 and the period treated as duty or non-duty under the said rule as the case may be.

By order and in the name of the Governor of Maharashtra.

G. G. BELWALKAR,
Deputy Secretary to Government.

To,

The Secretary to the Governor,
The Secretary to the Chief Minister,
The Special Officer for Departmental Enquiries, Konkan Division, Bombay,
The Special Officer for Departmental Enquiries, Nashik and Pune Divisions, Pune,
The Special Officer for Departmental Enquiries, Nagpur, Amravati and Aurangabad Divisions, Nagpur,
The Special Officer for Departmental Enquiries, Aurangabad,
All other Heads of Departments and Heads of Offices under the several departments of the Mantralaya,
The General Administration Department, Desk Nos. VIII, XIX, XX, XXI, XXII, XXVIII XXVIII-A, XXXI and XXXIV,
All Departments of the Mantralaya.

FORM No. I

WHEREAS Shri .... has been convicted on
(here enter name and designation of the Government Servant)
a criminal charge, to wit, under Section ....
(here enter the Section or Sections under which the Government
servant was convicted) .... of .... ;
(here enter the name of the statute concerned) ;

AND WHEREAS it is considered that the conduct of the said Shri ....
(here enter name and designation of the Government Servant), ..., which has led to his conviction is such as to render his further retention in the public service undesirable ;

NOW, THEREFORE, in exercise of the powers conferred by rule 13 (i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, the *Governor/undersigned hereby dismisses/removes the said Shri .... from
(here enter name and designation of the Government servant)
service or directs that the said Shri .... shall
(here enter the name and designation of the Government servant)
be compulsorily retired from service with effect from ....
(here enter the date of dismissal/removal/compulsory retirement) ....

**(By order and in the name of the Governor of Maharashtra).

Disciplinary authority.

Station :

Date :

Note 1 : In the above form, portions not required should be struck out according to the circumstances of each case.

Note 2 : An extract of the Maharashtra Public Service Commission's recommendation should be forwarded to the Government servant along with the final orders vide Government Circular P&SD, No. PSC-1056, dated the 26th November 1956.

*Delete what is not applicable.

**Where the order is expressed to be made in the name of the Governor.

एच १००१–२ (४,०००–९–८९)

FORM No. II

WHEREAS Shri .... was dismissed/removed/
(enter name and designation of the Government servant)
compulsorily retired from service with effect from ....
(enter the date of dismissal/removal/compulsory
.... on the ground of conduct which led to his conviction on a criminal charge ;
retirement)

Or

WHEREAS the penalty of .... was imposed on Shri ....
(name the penalty imposed)
.... on the ground of conduct which led to his
(enter the name and designation of the Government servant)
conviction on a criminal charge ;

AND WHEREAS the said conviction has been set aside by a competent court of law and the said Shri .... has been,
(enter the name and designation of the Government servant)
acquitted of the said charge ;

AND WHEREAS the *Governor/undersigned, on a consideration of the circumstances of the case, has decided that a further enquiry should be held under the provisions of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, against the said Shri .... on the allegations which led to
(enter the name and designation of the Government servant)
his dismissal/removal/compulsory retirement from service ;
the imposing of the penalty of ....
(enter the name of the penalty imposed) ;

NOW, THEREFORE, the *Governor/undersigned hereby—

(*i*) sets aside the said order of
dismissal/removal/compulsory retirement from service;
the imposing of the penalty ....
(enter the name of the penalty imposed) ;

(*ii*) directs that a further enquiry should be held under the provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 against Shri ....
(here enter the name of the
.... on the allegations which led to...
Government servant)
his dismissal/removal/compulsory retirement from service,
the imposing of the penalty ....
(enter the name of the penalty imposed)

†(*iii*) directs that the said Shri ....
(enter the name of the Government servant)
shall, under sub-rule (4) of rule 4 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, be deemed to have been placed under suspension with effect from ....
(enter the date
.... and shall continue to remain
of dismissal or removal or compulsory retirement from service)
under suspension until further orders.

**(By order and in the name of the Governor of Maharashtra),

Station :

Date :

Disciplinary Authority.

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*Delete what is not applicable.

**Where the order is expressed to be made in the name of the Governor.

†For cases involving dismissal/removal/compulsory retirement only (see para 2(c) of the Circular).

Note : This Form should be suitably modified where the penalty to be set aside is other than dismissal, removal or compulsory retirement.

FORM No. III

WHEREAS Shri .... was dismissed/
(enter the name and designation of the Government servant)
removed/compulsorily retired from service with effect from ....
(here enter the date of dismissal/removal/
compulsory rctirement)
.... on the ground of conduct which led to his conviction on a criminal charge ;

Or

WHEREAS the penalty of .... was imposed
(here enter the name of the penalty)
on Shri .... on the ground
(here enter the name and designation of the Government servant)
of conduct which led to his conviction on a criminal charge ;

AND WHEREAS the said conviction has been set aside by a competent court of law and the said Shri .... has been acquitted
(here enter the name and designation of the Government servant)
of the said charge ;

NOW, THEREFORE the *Governor/undersigned hereby sets aside the order of dismissal/removal/compulsory retirement from service.

imposing of the penalty ....
(here enter the name of penalty imposed).

**(By order and in the name of the Governor of Maharashtra),

Station :

Date :

Disciplinary Authority.

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*Delete what is not applicable.

**Where the order is expressed to be made in the name of the Governor.